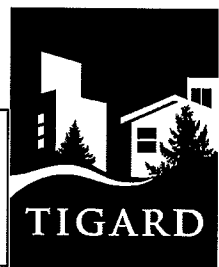


Agenda Item No. 3. 1-6
 For Agenda of July 10, 2007



Tigard City Council Meeting Minutes

Date: May 15, 2007
 Time: 6:30 p.m.
 Place: Tigard City Hall, 13125 SW Hall Boulevard
 Tigard, Oregon
 Attending: Mayor Craig Dirksen Presiding
 Councilor Gretchen Buehner
 Councilor Nick Wilson (after taking Oath of Office at 7:00 p.m.)
 Councilor Sydney Sherwood
 Councilor Tom Woodruff
 Absent:

Agenda Item	Discussion & Comments	Action Items (follow up)
Business Meeting	<p>1.1 Mayor Dirksen called the City Council to Order at 6:33 p.m.</p> <p>1.2 Council Present: Mayor Dirksen, Councilors Buehner, Sherwood and Woodruff.</p> <p>1.3 Pledge of Allegiance</p> <p>1.4 Council Communication & Liaison Reports</p> <p>Councilor Buehner reported that the Intergovernmental Water Board met last week and instructed the City Attorney to continue writing the lease for the Water Building as well as the new deed and tenants-in-common agreement.</p> <p>1.5 Call to Council and Staff for Non-Agenda Items</p> <p>City Manager Prosser said there would be an Executive Session prior to the regular Business Meeting to discuss pending litigation under ORS 192.660(2) (h).</p>	
	At 6:35 the Council entered into Executive Session to discuss pending litigation under ORS 192.660(2) (h).	
	At 6:47 the Executive Session ended and the Council regular business meeting resumed.	

Agenda Item	Discussion & Comments	Action Items (follow up)
<p>2. Continuation of Ballot Measure 37 Quasi Judicial Public Hearing – Truck Terminals, Inc. (M372006-00001)</p>	<p>Mayor Dirksen announced that Council was back in session. He said the public hearing had been continued from the Council meeting of May 8, 2007 and there would be a brief statement from the City Attorney.</p> <p>City Attorney Ramis said there had been a significant change in the law affecting Measure 37. He noted the City Council had scheduled two Measure 37 Public Hearings for tonight's meeting because they were up against the deadline specified in Measure 37. He said the state legislature had passed a measure in the past week extending the deadline. He said Council had the opportunity to either make a decision tonight or delay it if they have any questions or doubts. He said it could apply to the Davis Case (M372006-00002), tentatively decided earlier, as well as any pending Ballot Measure 27 cases.</p> <p>Mayor Dirksen said he felt rushed for a decision on some Measure 37 claims and thought Council should take the extra time to make sure any decision is the correct one.</p> <p>City Attorney Ramis said that when Council consensus is reached, staff should be directed to notify the applicants. He also asked if the Davis application and Shilo Inn application would also be delayed.</p> <p>Mayor Dirksen said a public hearing had not been held on the Shilo Inn application. He suggested delaying the Davis claim waiver decision as well because the issue is the same.</p> <p>City Manager Prosser clarified that the Shilo Inn public hearing had not been held because the applicant requested a continuance.</p> <p>Council consensus was to delay decisions on the outstanding Ballot Measure 37 claims, including the Shilo Inn and E & V Development Co. (Davis) claims.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
3. Continuation of Ballot Measure 37 Quasi Judicial Public Hearing – Tigard Grange No. 148 (M372006-00002)	<p>This public hearing was not held. See discussion under Agenda Item No. 2.</p>	
4. Discuss Options for Council Position Election	<p>City Recorder Wheatley briefed Council on the council election process and deadlines. She noted that at the May 8, 2007 meeting Council expressed an interest in holding an election in the fall of 2007 to fill the unexpired term of Councilor Harding. At that meeting the City Attorney said a candidate could file and run on either the September or November ballot, whichever Council chose.</p> <p>City Recorder Wheatley said staff recommends that Council call for an election in September or November and that the nomination filing deadline (regardless of the election date) be set for July 9, 2007.</p> <p>Councilor Sherwood said she preferred November because there would likely be more items scheduled for the ballot. City Recorder Wheatley said election costs are shared by jurisdictions that have candidates or measures on the ballot. If Tigard has the only item on a ballot this fall, the City's expense would be about \$2 per registered voter, or \$48,000.</p> <p>City Manager Prosser mentioned that a general election held in an even-numbered year is paid for entirely by the County. For any other election the County divides the costs between those jurisdictions placing items on the ballot.</p> <p>Councilor Woodruff said he thought the only way the election would be held in September would be if there is nothing on the November ballot and the City could share costs with other jurisdictions on the September ballot. Council concurred with this.</p> <p>City Recorder Wheatley clarified that the filing deadline would be July 9, 2007 to leave the option</p>	<p>Councilor Sherwood moved that Council approve the filing deadline of July 9, 2007 for an election to be held in either September or November, whichever is more cost effective. Motion was seconded by Councilor Buehner and passed unanimously.</p> <p>Councilor Buehner Yes Councilor Woodruff Yes Councilor Sherwood Yes Mayor Dirksen Yes</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>open for the September election.</p> <p>Mayor Dirksen noted that regardless of when the election is held, the term for this Council position would begin January 1, 2008.</p>	
<p>5. Administer Oath of Office to Nick Wilson for Appointment to the Tigard City Council until an Election is Conducted for this Council Position in the Fall of 2007</p>	<p>Mayor Dirksen said, "It is with great pleasure that I recognize former and soon-to-be Councilor, Nick Wilson. The oath of office will be administered by our Municipal Court Judge."</p> <p>Judge O'Brien administered the City Councilor oath of office to Nick Wilson.</p> <p>At 7 p.m. Councilor Wilson joined Council for the remainder of the meeting.</p>	
<p>6. Meeting with Municipal Court Judge</p>	<p>Municipal Judge O'Brien and Administrative Services Manager Robinson gave an overview of Tigard's Municipal Court.</p> <p>Judge O'Brien gave a PowerPoint presentation called "2007 Annual Report to Council" a copy of which is available in the City Recorder's office.</p> <p>He noted that Tigard's Municipal Court Programs include:</p> <ul style="list-style-type: none"> ♦ Traffic ♦ Youth Court ♦ Civil Infractions (Tigard Municipal Code violations) <p>He presented highlights of the 2006 caseload:</p> <ul style="list-style-type: none"> ♦ Caseload increased by 6% over 2005. ♦ The major caseload factors were increased speeding and traffic control device citations ♦ Significant decrease in safety belt violations and code enforcement citations ♦ Juvenile caseload declined slightly ♦ Civil infractions declined significantly <p>He said variables affecting the caseload included:</p> <ul style="list-style-type: none"> ♦ Enforcement priorities ♦ Personnel levels and turnover in the traffic unit ♦ Funding levels 	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>♦ Officer training and vacation schedules for traffic unit</p> <p>Judge O'Brien discussed the Base Fine Schedule, and showed how a \$100 traffic fine is allocated.</p> <p>Councilor Woodruff asked about using juveniles to help clean up graffiti. Administrative Services Manager Robinson said youth would require a higher level of supervision and questioned how much liability a business owner would want to incur.</p> <p>Judge O'Brien said the majority of Youth Court cases in 2006 were theft related and issued from Washington Square. He discussed the Tigard Youth Court Goals which include:</p> <ul style="list-style-type: none"> ♦ Prompt and fair adjudication ♦ Accountability for offenders ♦ Protect the community by deterring repeat offenses ♦ Restitution for victims and community ♦ Active Involvement of parents ♦ Education about laws and legal system <p>Councilor Buehner asked how many cases involved vandalism under the new graffiti ordinance. Judge O'Brien said there have been a few.</p> <p>Judge O'Brien and Administrative Services Manager Robinson discussed the Court Budget, noting that \$992,170 in fines, fees, costs and assessments were imposed in 2006, which is an increase of about 24% over 2005.</p> <p>Councilor Woodruff asked what percentage of fines imposed is collected. Administrative Services Manager Robinson said it was about 70%.</p> <p>Current projects were discussed including studying the feasibility of establishing a criminal court for adult misdemeanors. Judge O'Brien said Tigard's municipal court currently adjudicates about a hundred juvenile delinquency cases per year and a few dozen adult misdemeanors arising under the Tigard Municipal Code. The study will consider staffing requirements, administrative impacts, costs,</p>	

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	<p>advantages and disadvantages.</p> <p>Councilor Buehner asked what level of misdemeanors would be heard and if this would shorten the amount of time officers spend waiting in Circuit Court or driving to court elsewhere.</p> <p>Judge O'Brien said it would be all levels - anything punishable by less than a year in jail. He said they will meet with Council again after the feasibility study is complete.</p> <p>He told Council they were welcome to attend Tigard Municipal Court anytime, as a spectator.</p>	
<p>7. Receive Burnham Street Project Design Update</p>	<p>Mayor Dirksen acknowledged that several people were in the audience regarding this item but that this was not a public hearing to receive testimony. He invited them to stay and listen to the project update from Community Development. He also invited them to the next Fifth Tuesday meeting, scheduled for May 29, 2007.</p> <p>City Manager Prosser noted that a letter dated May 15, 2007 and signed by downtown Tigard property owners, business owners and employees was submitted for the record.</p> <p>Engineer Duenas briefed Council on the design progress of the Burnham Street Project which is at 60% completion. He said he also wanted to bring up an issue regarding the roundabout.</p> <p>Engineer Duenas said a Neighborhood Open House was held on March 22, 2007, with Burnham Street area property owners and other citizens attending. He said another Open House would be held as design progress reaches 90%.</p> <p>He said an issue has arisen with the roundabout proposed for the Ash Avenue/Burnham Street intersection because it requires significant property acquisition and creates potential driveway access problems. He said that in the long term, these issues can be solved, but in the short term, they will be problems.</p>	<p>The Council consensus is to move forward with a traditional intersection now but maintain the roundabout option for the future.</p>

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	<p>Councilor Woodruff said he appreciated the City Center Advisory Commission's recommendation and was in favor of taking the roundabout out.</p> <p>Mayor Dirksen said he did not realize impacts on the property owners until he saw the report. He suggested leaving it on the table until the property is developed in the future, preserving the option for future Councils and developers.</p> <p>Councilor Wilson said he likes the aesthetics and function of the roundabout. He said it would probably not get built down the road if it is not done now. He asked if the issue was primarily the cost or disruption to businesses.</p> <p>Mayor Dirksen said it was the disruption. He said there were other things that can be done to make the intersection special and attractive and suggested looking at the Downtown Streetscape Plan for ideas.</p>	
8. Receive Briefing on Comprehensive Plan Update	<p>Associate Planner Wyss presented the Comprehensive Plan Update. He said the open houses held to kick off the public involvement process included three components: 1) getting the public up to speed on the process; 2) gathering feedback on the draft Comp Plan goals; and 3) getting people signed up for further participation.</p> <p>He said the feedback received indicates the community generally agrees with the goals and that Policy Interest Teams have been assembled.</p> <p>He said the next step is to begin formulating policies and action measures. Public involvement will be continued through presentations and displays at community events, workshops and hearings.</p> <p>Councilor Buehner said she understood, from her time on the Planning Commission, there would be opportunities for people to give input prior to the public hearings. Associate Planner Wyss said this idea was not dropped and that people will have a chance to attend Planning Commission workshops.</p> <p>Councilor Woodruff stated that there is still some</p>	

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	<p>public confusion about what a comp plan is and he recommended that they continue to talk about it as a "blueprint."</p>	
<p>9. Review Regional Transportation Plan (RTP) Projects for Metro</p>	<p>Engineer Duenas said Metro is updating the Regional Transportation Plan (RTP) in compliance with state and federal requirements. This update will be submitted to the federal government in March, 2008.</p> <p>He said staff has prepared a list of projects crucial to Tigard and said Council will be asked to review, discuss and approve this list, with the understanding that the list will change as City staff coordinates with other jurisdictions.</p> <p>He said some projects were the Oregon Department of Transportation's yet contain sections for which Tigard would have planning responsibility. He used the example of 72nd Avenue where Tigard is in charge of both ends but the overpass falls under ODOT's responsibility. He said, "If we don't work together we'll have five lanes constricted to three."</p> <p>Engineer Duenas said a requirement is that the projects go through a public process. He asked Council to approve the list but also noted that some projects may change. He said Tigard may combine some projects so they qualify for federal funding over \$1 million which is another requirement.</p> <p>Mayor Dirksen complimented Engineer Duenas on his preparation and said he hoped the fact that Tigard is well prepared will help with approval of our projects.</p> <p>Councilor Buehner suggested maximizing opportunities for the public to see the project list and give input.</p> <p>Councilor Woodruff cautioned about raising people's hopes as they view the list as not all of these planned projects will be funded.</p>	<p>Council was supportive of the proposed project list presented by Engineer Duenas.</p>


Agenda Item	Discussion & Comments	Action Items (follow up)
<p><i>City Center Development Agency Meeting</i></p> <p>10. Review FY 07-08 Downtown Land Use and Urban Design Planning</p>	<p>At 8:28 p.m. Mayor Dirksen recessed the Council meeting and convened the City Center Development Agency meeting.</p> <p>Mayor Dirksen called the CCDA meeting to order and Deputy City Recorder Krager called the roll.</p> <p>Senior Planner Nachbar presented the Fiscal Year 2007-08 Update of the Downtown Implementation Strategy. He said this document is the key document organizing and prioritizing policies and actions for Tigard's downtown. He said it provides specific direction to staff and the City Center Advisory Commission and includes a 1-Year Work Program and 3-Year Action Plan. This update is on file in the City Recorder's Office.</p> <p>He said the next year will be formative in that some major projects will begin:</p> <ul style="list-style-type: none"> ♦ The land use and design guidelines will be put in place. ♦ A public plaza site will be selected. ♦ Construction plans for Fanno Creek Park will be completed by the end of the year. He said there will be a development strategy in place. <p>Councilor Sherwood asked if there was money set aside for marketing materials. Senior Planner Nachbar said there was none in fiscal year 07-08 but materials for developers would be produced this year.</p> <p>Councilor Buehner said she understood that some CCAC members are working on materials promoting urban renewal. Senior Planner Nachbar said the CCAC recognizes the need to get the message out to the public and was working on some materials, including a logo.</p> <p>Councilor Wilson asked if marketing materials will include demographics and information that will make decision makers want to develop here. He suggested extending marketing efforts nationally, selling the Portland area, the west side and our own area by talking up the features in the area. He said</p>	

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	<p>Tigard's proximity to 217 and I-5 makes it a very desirable location.</p> <p>Senior Planner Nachbar said that marketing pieces will evolve over time as our needs are clarified.</p> <p>Councilor Wilson said he would like to see the first component of the market analysis moved ahead and if it is not budgeted, would like to see money put in for it.</p>	
<p>11. Review Downtown Land Use and Urban Design Planning Overview</p>	<p>Associate Planner Farrelly gave an overview of downtown land use and urban design planning. He said the next phase for the Downtown revitalization is to establish the framework for the design and development of the Downtown, including the physical character, form and quality of new public and private development.</p> <p>Mr. Farrelly said an upcoming decision for Council is determining to what extent private development design will be regulated. He described Form Based Code and mentioned that some members of the CCAC will be attending a workshop on Form Based Code.</p> <p>Mayor Dirksen asked if there was a limit on what design standards a government can mandate.</p> <p>Associate Planner Farrelly said some Oregon communities go very far. He said for example, Portland has a Design Review Board.</p> <p>He said the Planning Commission and Council will hold public hearings on the following: land use designations; building and site design standards; design guidelines and procedures; and amending the Transportation System Plan to refine circulation.</p> <p>Councilor Wilson expressed concern about parking and suggested taking a more active role in planning so there are not just many little chopped-up lots. He suggested the City could build a parking lot and charge businesses a fee in lieu of providing parking.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
12. Adjournment	The City Center Development Agency/Council meeting was adjourned at 9:14 p.m.	<p>Councilor Woodruff moved for adjournment. Councilor Buehner seconded the motion and the motion passed unanimously.</p> <p>Councilor Buehner Yes Councilor Wilson Yes Councilor Woodruff Yes Councilor Sherwood Yes Mayor Dirksen Yes</p>


Carol A. Krager, Deputy City Recorder

Attest:



Mayor, City of Tigard

Date: July 10, 2007